

**Town of Shrewsbury - Board of Selectmen  
Richard D. Carney Municipal Office Building-Selectmen's Meeting Room  
100 Maple Avenue  
Monday, February 26, 2007 at 7:00 PM**

**Minutes**

**Present:**

Bruce Card, Maurice DePalo, Thomas Fiore, John Lebeaux, James McCaffrey, and Daniel Morgado, Town Manager. Mr. Lebeaux called the meeting to order at 7:03pm.

**Preliminaries:**

1. Approve bills, payrolls and warrants, #0767 in the amount of \$321,296.56, and #0770 in the amount of \$3,588,057.74. Motion made, seconded and unanimously approved.
2. Approve minutes of February 12, 2007. Motion made, seconded and unanimously approved.
3. Announcements – Mr. Lebeaux announced that applications are available for summer employment at the Town Manager's Office in Town Hall for Shrewsbury residents. Applicants must be 16 years old to put their name on the list. To be eligible to work as a summer laborer you must be enrolled in college or be entering college as a freshman on a full time basis. All jobs are subject to annual appropriation. Participating departments are: CATV, Highway, Light, Parks & Cemetery, Public Buildings, School and Water & Sewer. Those having any questions should call the Town Manager's Office at 841-8508.
4. Town Manager's Report - Nothing other than what is on the Agenda.

**Meetings:**

5. 7:15pm - Town Engineer Jack Perreault, Wastewater Flow Allocation, Amendment to Westborough/Shrewsbury Intermunicipal Agreement and CWMP Phase III & IV. Mr. Perreault was present and updated the Board on what has gone on in the past and what is coming up in the future in preparation for the joint meeting with the Westborough Board of Selectmen, Westborough Treatment Plant Board and Westborough and Shrewsbury Finance Committees next Monday evening. The towns have been working on developing a comprehensive wastewater treatment plan for several years that is in compliance with DEP regulations and will provide services needed by the towns. In order to meet DEP requirements, upgrade the facilities and supply the services needed by the consortium towns we would be looking at a \$90 million expenditure which the towns thought was too much. The consortium sought and received DEP's approval not to study ground water discharge; as a result the towns cannot seek additional capacity. Therefore, we are facing not being able to offer sewer services to residents. Mr. Perreault advised that he and Westborough Town Engineer Carl Balduf had issued a memo of what amount of sewerage would be allowed for each town that has developed into Amendment #5 to the Treatment Plant agreement. This amendment is before the Westborough Board for approval and will be coming to Shrewsbury for approval shortly. The Sewer Commission has amended their rules to comply with the new regulations. EarthTech has been hired as a consultant to assist in this and other improvements to the plant to wrap into one design package which should cost approximately \$30 million. The Army Corps of Engineers is completing a study on the Assabet River and the final report will be done by the end of this year or the beginning of 2008 which will assist in the planning. A discussion followed regarding which areas will not receive sewer service, retaining capacity in commercial and industrial area, etc. Motion was made to approve Amendment #5 as presented regarding the allocation of flow to the Treatment Plant between the three involved communities. Motion was seconded and unanimously voted.
6. 7:30pm – Congressman James P. McGovern. The Congressman was present. School Committee Chair, Mark Murray, and Vice Chair, Deborah Peeples, joined the meeting. Mr. Lebeaux welcomed the Congressman and advised him that there were a few items they would like to discuss. However, he asked Mr. McGovern to update the Board on the newly elected House and on what they hope to accomplish. The Congressman advised that the war in Iraq and a solution to it are high priority items for this session of congress as is health care, education, health care for veterans, the deficit, energy, etc. Mr. Murray asked about the No Child Left

Behind mandate and funding for it. The Congressman advised that to fund this program funds would have to be taken from another program. However, this program is up for renewal next year and some significant changes will be made. A number of other subjects were discussed, including illegal immigrants, homeland security, and a national energy policy. Mr. Lebeaux asked the Congressman about the possibility of help for the Assabet River Consortium with the new wastewater treatment plant. Mr. McGovern advised that he would work with the four towns involved in the consortium to do whatever he could to help with EPA matters but as far as funding there are other communities whose needs give them a priority on the available funds. The Congressman advised that he is confident that with the newly elected governor and lieutenant governor, and the representatives in congress, Massachusetts now has people that will reestablish a commitment to excellence and make a difference. Me. Lebeaux thanked the Congressman for coming in and sharing his thoughts with the Board and School Committee members.

Motion was made at 8:45pm to take a brief recess. Motion was seconded and unanimously voted. The meeting reconvened at 8:50pm.

#### **Public Hearings:**

7. 7:05pm - White Hen Pantry, Phil Goodwin, manager, 38 Maple Avenue, Common Victualler's License. Hours of Operation: 24 hours per day, Sunday through Saturday. George Lamont, Manger of Franchising & Licensing for White Hen and Mr. Goodwin were present. Mr. Lamont explained that while the company is looking for someone to take over the franchise for this facility, Mr. Goodwin, who has been with the company for thirteen years, will be managing the facility. No other changes are planned. Mr. Lebeaux advised that all reports from department heads were favorable and opened the hearing to the public. Seeing no comment, motion was made, seconded and unanimously voted to close the hearing. Motion was made to approve the application of White Hen Pantry, Phil Goodwin, manager, for a Common Victualler's License for the hours as stated in the application. Motion was seconded and unanimously approved.

#### **Old Business:**

8. Discussion FY2008 Budget and Fiscal Outlook. Mr. Lebeaux advised that The Governor's budget will be filed this week. The revenue numbers will come first followed by charges within several days. Mr. Morgado noted that until the charges are known it is impossible to know what the actual figures will be. Mr. Lebeaux reviewed previous discussions regarding the budget and a proposition 2 \_ override question. The Board had concurred that an override question should be put on the ballot but they had not decided on whether the question should be for a single or multiple years. Also, the amount of the question cannot be determined until the budget numbers are known. Mr. Morgado cautioned that a large amount would not mean that all budget items will be funded. Department heads will have to remain accountable and run their departments efficiently. In a multi-year question a portion of funds would go to the operating budget and some would be put in reserves. The second year would be that same and in the third year the money put into reserves would be used to fund the budget. A discussion followed regarding the type of question, funding for each year of a multiple year question and the amount. It was determined that until House 1 is known nothing can be decided. Mr. DePalo suggested that the Board meet in joint session with the School Committee and Finance Committee once the Governor's budget is known to get some kind of consensus. The Pay-As-You-Throw program was discussed as a way to offset the increased costs of solid waste disposal. Nancy Allen, Director of Public Health, joined the meeting and reviewed projected rubbish disposal fees with and without a bag fee. A lengthy discussion ensued on the subject.
9. Discussion re WMRB project. Mr. Lebeaux advised that a study by the Worcester Municipal Research Bureau on municipal benchmarking had been discussed at the last meeting. Mr. DePalo suggested that a presentation by the WMRB to the Board, Finance Committee, and Fiscal Study Committee would be beneficial in determining whether the Board wishes to pursue the project. However, the Board would have the final say on whether to go ahead with the study or not. Interested parties will be contacted to put together a meeting.

10. Response from Chief Hester re Motorcycle Safety & Awareness Period. Chief Hester supports the program but is not in agreement with placing a sign somewhere in Town. Town will offer a proclamation, etc. but not in favor of putting up sign.

#### **New Business:**

11. Water Connection Fee. Mr. Lebeaux rescued himself from the discussion to avoid the appearance of conflict of interest and Mr. Fiore assumed the chair. Mr. Fiore reviewed the question that was raised at the last meeting regarding water connection fees. At the time the vote was taken to raise the fees it was the intention of the Board that the fee would be \$4,000 per each unit in a dwelling, not \$4,000 for each connection. The Board has to decide whether the fees should remain as they are at present at \$4,000 per connection with a water conservation fee of \$1,000 per unit or changed to a \$4,000 fee per unit and a conservation fee of \$1,000 per unit or \$4,000 connection fee per every four units and a conservation fee of \$1,000 each unit (i.e., 32 family would have a connection fee of \$32,000 and conservation fee of \$32,000). After a discussion, Mr. McCaffrey asked if a vote could be tabled until the next meeting to allow him to review the subject as he was not a member of the Board when the original vote was taken. Vote tabled until March 12<sup>th</sup> meeting.
12. Reappoint Ronald Rosen as a member of the ZBA for a term of two years expiring March 31, 2009. Motion was made, seconded and unanimously voted to reappoint Ronald Rosen as a member of the ZBA for a two year term expiring March 31, 2009.
13. Reappoint George Smith, 33 Clews Street, as an Associate Member of the ZBA for a term of one year expiring March 31, 2008. Motion was made to reappoint George Smith as an Associate Member of the ZBA for a term of one year expiring March 31, 2008. Motion was seconded and unanimously voted.
14. Shrewsbury Electric Light Department recommends one (1) 70-watt high pressure sodium light fixture to be installed on David Road. Annual cost to the Town would be \$33.54. Motion was made, seconded and unanimously voted to approve the recommendation.
15. Discussion of Draft Chapter 40B RFI. Mr. Morgado advised that they were now talking to four different parties regarding 40B developments. He proposed the Land Use Subcommittee of the Board review and a decision be made regarding retaining a consultant. Mr. Morgado will set something up for action at the March 12<sup>th</sup> meeting.

#### **Executive Session:**

16. Collective bargaining, pending litigation and value of real property. Motion was made, seconded, and unanimously voted to adjourn into executive session at 10:49pm and not to reconvene for the purpose of discussion of value of real property. The Board was polled, Mr. Fiore, yes, Mr. DePalo, yes, Mr. Card, yes, Mr. McCaffrey, yes, and Mr. Lebeaux, yes.

#### **Communications:**

17. Noted copy mailed: Veolia Water Monthly Compliance Report, January 2007.
18. Noted copy mailed: Memo from Westborough Town Engineer, Carl Baldof, & Shrewsbury Town Engineer, Jack Perreault, re Wastewater Flow Allocation – CWMP Phase III & IV.
19. Noted copy mailed: Letter from Andrew Kyriacou, 24 Waterville Lane, re purchase of town owned land. Mr. Morgado will check as to whether this is Town property.
20. Noted copy mailed: School Committee Meeting Minutes, 1/17/07 & 1/27/07.
21. Noted copy mailed: Memo from Highway Supt. Knipe re Snow Storm Report February 2-3, 2007. Cost for snow removal for this storm was \$35,747.31, a cost of \$11,915.77 per inch.
22. Noted copy mailed: BSC Group Residences at Flint Pond & Associated Shopping Center Single Environmental Impact Report (complete report on file in BOS office).
23. Noted copy mailed: E-mail from Lisa Cossette, 23 Stonybrook Lane, re Increasing Revenue.
24. Noted copy mailed: E-mail from Judy Vedder, 15 Pheasant Hill Drive, re Pay-as-you throw garbage disposal.
25. Noted copy mailed: Associated Builders & Contractors of Massachusetts mailing - Beacon Hill Study, "Project Labor Agreements & Financing Public School Construction in Massachusetts."
26. Noted copy mailed: Park & Cemetery Commission Meeting Minutes, 1/8/07.
27. Noted copy mailed: E-mail from Pam Marshall, 86 Floral Street, re Override.

28. Noted copy mailed: Letter from Daunielle McNeil, 12 Empire Street, re Proposition 2 \_ Override.
29. Noted copy mailed: Letter from Mass. Common Cause re availability of documents on the Town website.
30. Noted copy mailed: Arc of Innovation Notice re Brownfields Workshop.
31. Noted copy mailed: Council on Aging Meeting Minutes, 1/10/07.
32. Noted copy mailed Senator Kerry Monthly Update.
33. Noted copy mailed: E-mail from Leona McDonald, 8 Hunter Circle, re Prop 2 \_ Override.
34. Noted copy mailed: Arc of Innovation Notice of Forum with Secretary of Economic Development & Housing.
35. Noted copy mailed: MMA Action Alert #1: 2/15/07 re Gov. Patrick Files Sweeping "Municipal Partnership Act" to Empower Cities & Towns.
36. Noted copy mailed: Letter from Jim McCrohan, 33 Hunting Avenue, re Override.
37. Noted copy mailed: Westborough Treatment Plant Meeting Minutes 1/10/07.
38. Noted copy mailed: E-mail from Chris & Susan Mitchell, 93 Bumble Bee Circle, re Fees for Trash Pickup.
39. Noted copy mailed: Mr. Morgado's response to David Harris, 481 Grafton Street, re Town Owned Land.
40. Noted copy mailed: Letter from The UPS Store re providing informational mailing to Shrewsbury Voters.
41. Noted copy mailed: Letter from Sandra Fryc, 21 Pheasant Hill Drive, re Prop 2 \_ Override.
42. Noted copy mailed: Notice - Local Update of Census Addresses (LUCA) Program Informational Workshop.
43. Noted copy mailed: GeoConsultants, Inc.-Phase I Initial Site Investigation Report, 59-61 Janet Circle.
44. Noted copy mailed: School Committee Meeting Agenda, 2/28/07.
45. Noted copy mailed: Planning Board Meeting Minutes, 12/7/06 & 1/4/07.
46. Noted copy mailed: Conservation Commission Meeting Minutes 4/18/06, 11/21/06, 12/19/06, & 1/16/07.
47. Noted copy mailed: Corp. Environmental Advisors, Inc., Notice of Availability Phase V Inspection & Monitoring Report #7, 298 Hartford Turnpike.
48. Noted copy mailed: Draft Planning Board Meeting Agendas 3/1/07 & 4/12/07

Motion was made, seconded, and unanimously voted to adjourn into executive session at 10:49pm not to reconvene for the purpose of discussing value of real property. On a roll call vote Mr. Fiore, yes, Mr. DePalo, yes, Mr. Card, yes, Mr. McCaffrey, yes, and Mr. Lebeaux, yes.

Respectfully submitted,

Janice C. McCoy  
Secretary